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8 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Psychiatric Evaluation  
Against:

Case No. OT 2007-43

12 **KATHERINE KOLBACKI**  
13 **221 King Street, Apt. 112**  
14 **San Francisco, CA 94107**

**A C C U S A T I O N**

15 **Occupational Therapist License No. OT**  
16 **8500**

Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Heather Martin (Complainant) brings this Accusation solely in her official capacity as  
21 the Executive Officer of the California Board of Occupational Therapy, Department of Consumer  
22 Affairs.

23 2. On or about October 28, 2005, the California Board of Occupational Therapy issued  
24 Occupational Therapist License Number OT 8500 to Katherine Kolbacki (Respondent). The  
25 Occupational Therapist License expired on December 31, 2008, and has not been renewed.

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1 COST RECOVERY

2 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINARY ACTION  
7 (Failure to Comply With Order Issued Pursuant to  
8 (Bus. & Prof. Code section 820))

9 10. Respondent has subjected her Occupational Therapist License to disciplinary action  
10 under Code section 821 in that she failed to comply with the Order of the California Board of  
11 Occupational Therapy issued under Code section 820. The circumstances are as follows:

12 a. On or about July 26, 2010, in Case No. OT 2007-43 involving Respondent Katherine  
13 Kolbacki, Heather Martin (Petitioner) filed a Petition For An Order To Compel Psychiatric  
14 Examination. On or about July 26, 2010, the California Board of Occupational Therapy issued  
15 the Order directing Respondent to submit to a psychiatric evaluation to determine whether  
16 Respondent "is mentally ill to such an extent as to affect her ability to practice occupational  
17 therapy safely." The Order further provided that the examination was to be conducted no later  
18 than thirty (30) days after the service of the Order upon Respondent. (True and correct copies of  
19 the Petition For An Order To Compel Psychiatric Examination and the Order are attached as  
20 Exhibit "A" and incorporated herein by reference.)

21 b. The Petition For An Order To Compel Psychiatric Examination and the Order were  
22 served upon Respondent by Certified and First Class Mail on August 2, 2010. As of August 31,  
23 2010, Respondent has failed to comply with the Order.

24 PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the California Board of Occupational Therapy issue a decision:

27 1. Revoking or suspending Occupational Therapist License Number OT 8500, issued to  
28 Katherine Kolbacki;

///

1           2.    Ordering Katherine Kolbacki to pay the California Board of Occupational Therapy  
2 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3; and

4           3.    Taking such other and further action as deemed necessary and proper.

5  
6 DATED: 1 September 2010 HEATHER MARTIN

HEATHER MARTIN  
Executive Officer  
California Board of Occupational Therapy  
Department of Consumer Affairs  
State of California  
*Complainant*

11 SF2010200401  
12 CR: 08/31/10